

UNITED STATES DISTRICT COURT
DISTRICTS OF GUAM AND THE NMI
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October 9, 2020

Honorable Michael J. Bordallo
U.S. Magistrate Judge
The District Court of Guam
3rd Floor, U.S. Courthouse
520 West Soledad Avenue
Hagatna, Guam 96910

RE: SANTOS, Ricky James Jr. Salas
USDC# CR20-00021-001
Third Party Custodian and Location
Monitoring Assessment

Dear Judge Bordallo,

On August 27, 2020, a Complaint was filed in District Court of Guam case number MJ20-00092. The Complaint charged the defendant, Ricky James Jr. Salas Santos, with Count 1: Attempted Possession of Methamphetamine with Intent to Distribute, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii). On August 27, 2020, the defendant appeared in custody before Your Honor for an Initial Appearance on a Complaint Hearing. Assistant Federal Public Defender (AFPD) Briana Kottke was appointed to represent the defendant, and a Detention Hearing was set for September 1, 2020. The defendant was remanded to the custody of the U.S. Marshals Service. On September 1, 2020, the defendant appeared in custody before Your Honor for a Detention Hearing. Defense Counsel motioned to withdraw the detention hearing and reserved her right to file at a later time. The motion was granted by the Court, and the defendant's detention was continued.

On September 9, 2020, the Federal Grand Jury returned a True Bill in District Court of Guam case number CR20-00021-001. The Indictment charged the defendant with Count 1: Attempted Possession with Intent to Distribute Methamphetamine Hydrochloride, in violation of 21 U.S.C. §§ 846 and 841(a)(1) and (b)(1)(A)(viii); Count 2: Possession with Intent to Distribute Methamphetamine Hydrochloride, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii); and a Notice of Forfeiture, pursuant to 21 U.S.C. § 853. On September 10, 2020, the defendant appeared in custody before Your Honor

for an Initial Appearance on an Indictment and Arraignment Hearing. The defendant entered a not guilty plea to the charges, and Jury Trial was set for November 17, 2020. The defendant's detention was continued.

On October 1, 2020, Defense Counsel submitted a Third-Party Custodian (TPC) application to the U.S. Probation Office. On October 2, 2020, this Officer initiated an investigation.

The proposed TPC is Deborah Ann Mendiola Salas (formerly known as Deborah Ann Mendiola and herein referred to as Deborah), age 48. Deborah is the defendant's paternal aunt. She has been unemployed for the past year due to caring for her husband. Her last employment was with Holiday Resort & Spa Guam, from approximately 2010 to 2018. Her income includes her husband's Social Security Disability and benefits from the Supplemental Nutrition Assistance Program. Deborah stated she is willing to perform all the duties and obligations of a TPC.

The proposed TPC residence is located in Yigo, Guam, and is owned by Deborah. Deborah and her family have resided at this residence for the past 10 years. The home is a one-story modular structure that has three bedrooms and two bathrooms. The home is equipped with a telephone line that is serviced by GTA. The home meets the requirements of the Location Monitoring Program (LMP) once all special features are removed from the telephone line. Deborah reported she is willing to have LMP at her residence if that is an imposed release condition. Deborah also reported the defendant's family will be paying for the LMP. The defendant reported she does not own any firearms and there are no firearms at this residence.

The proposed TPC residence is occupied by Deborah; Deborah's husband, Patrick Sablan Salas, age 42; and Deborah's sons; Patrick Sablan Salas, Jr., age 19, and N.M.S., age 9. Deborah's husband has been unemployed for the past three years and he receives Social Security Disability. Deborah's eldest son is employed with Granite Kobayashi Guam where he works from Monday through Saturday, from 7:00 a.m. to 5:30 p.m. Deborah's youngest son attends Upi Elementary School, however, has been studying from home due to the Government of Guam COVID-19 Lockdown Order. Her youngest son will be returning "in-person" to school once the order is lifted.

It is important to note, Deborah's daughter, Pernisha Salas (herein referred to as Pernisha), age 20, will be moving into the proposed TPC residence sometime in mid-October 2020. Deborah's daughter is employed with the Office of the Attorney General of Guam. A criminal records check was conducted on Pernisha, which revealed no criminal record.

A criminal records check was conducted on Deborah, which revealed the following: an arrest for Retail Theft on May 17, 1993, which was prosecuted in the Superior Court of Guam case number CM911-93. That case was dismissed and expunged on May 22,

1996. The defendant also has an arrest for Two Counts of Burglary on December 11, 1998, where prosecution was declined on March 19, 2003.

A criminal records check was conducted on Mr. Salas, which revealed the following: an arrest for Burglary/Theft of Property on June 12, 1997, where prosecution was declined on April 18, 2001; an arrest for Burglary on December 4, 1998 (disposition unknown at this time); an arrest for 11 Counts of Burglary/Two Counts of Attempted Burglary on December 11, 1998 (disposition is unknown at this time); an arrest for Family Violence/Assault/Terrorizing on July 21, 2008 (disposition is unknown at this time); an arrest for Driving Under the Influence/Imprudent Driving on January 16, 2014, where Mr. Salas was convicted of Driving While Under the Influence of Alcohol, as a Misdemeanor, in Superior Court of Guam case number CM69-14 (case was closed on September 20, 2016); and an arrest for Terrorizing/Family Violence on October 26, 2015, where Mr. Salas was convicted of Terrorizing, as a Third-Degree Felony, in Superior Court of Guam (case was closed on August 28, 2019).

A criminal records check was conducted on Deborah's son, which revealed no record.

Based on the information above, Deborah is not approved as a TPC. Deborah failed to disclose her criminal record on her TPC application, but only disclosed her husband had a criminal history. When interviewed by this Officer, she again failed to disclose she had a criminal record, specifically for her Burglary arrest in 1998. She was asked by this Officer if she had ever been arrested, and she responded she had "never been arrested." Further, she was afforded a third opportunity to disclose her criminal record during a follow-up interview and failed to do so. During that follow-up interview, she did disclose her expunged case. This conduct jeopardizes her credibility and questions her commitment to uphold the responsibilities of a TPC.

Respectfully,

KIM R. WALMSLEY
Chief U.S. Probation Officer

By:



/s/ JEFFREY A. VENTURA
U.S. Probation Officer

Reviewed By:



/s/ GRACE D. FLORES
Deputy Chief U.S. Probation Officer